

TITLE #: 26

Ordinance #: 05-04-15-009

Date: May 4, 2015

**ORDINANCE FOR THE ESTABLISHMENT
OF RESIDENTIAL RENTAL PROPERTY REGISTRATION,
INSPECTION AND PERMITTING CODE
IN THE TOWN OF CHESWOLD**

DESCRIPTION: This Ordinance shall be known as the "Rental Property Ordinance", as it defines the establishment of the policies, procedures and administration of registering rental properties and obtaining an associated rental permit.

Section 1. PURPOSE

It is the intent of the Town of Cheswold that landlords renting a residential property or properties, within the corporate limits of the Town of Cheswold provide and maintain public health, safety and welfare of renters, insofar as they are affected by the continued habitation of leased properties. The health, safety and welfare of the occupants of leased dwellings are of the utmost importance to the Town, as are the neighborhoods in which these dwelling units are located.

Section 2. AUTHORITY TO ACT

Section 4.2.25 of the Town Charter of the Town of Cheswold provides that the Town Council may provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants and additionally provides in Section 4.2.48 that the Town Council may make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules and By-Laws, not contrary to the laws of the State and the United States, as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants.....

Section 3. APPLICABILITY

The policies, procedures, provisions and administration of this Ordinance shall apply to all matters affecting or relating to residential rental dwellings.

Where, in this article, different sections of this Ordinance may specify different requirements, the most restrictive shall govern.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms and words shall have the following meaning/s, unless the context clearly indicates that a different meaning is intended:

- 4.1 Authorized Agent** – is the person or company that has been given permission by the property owner to perform on his or her behalf. An Authorized Agent must be available on a twenty-four-hours, (24), seven, (7) day a week basis. An Authorized Agent will be considered to be authorized to accept service for any property owner of any inquiry, notice, complaint or violation regarding the health, safety and/or condition of a residential rental unit.

Identification of an Authorized Agent must be submitted to the Town of Cheswold by notarized documentation from the property owner of record. An Authorized Agent is not required to be a Registered Agent. A Registered Agent however, must be an Authorized Agent.

The property owner may designate him/her/or itself as Authorized Agent, so long as they meet the above referenced criteria.

- 4.2 Building Inspector** – is the person employed by the Town of Cheswold with the responsibility for reviewing construction plans; ensuring compliance to the Land Use Ordinance and Comprehensive Plan of the Town; ensuring compliance with State and Federal building and land use requirements and administering the policies and procedures of the Department of Public Works. Until such time as warranted, the position of Building Inspector and Code Enforcement Officer may be held by the same person.

- 4.3 Business License** – issued by the Department of Public Works and serves as the residential property permit known as the License. This is the written documents that certifies that the holder is authorized to rent/lease a particular dwelling unit within the corporate limits of the Town of Cheswold.

The term Business License shall be used interchangeably with the term Rental Permit.

- 4.4 Code Enforcement Officer** – is the person employed by the Town of Cheswold with the responsibility for the prevention, detection, investigation and administration of violations of Ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land use and/or so designated municipal affairs. Until such time as warranted, the position of Building Inspector and Code Enforcement Officer may be held by the same person.

- 4.5 Commercial Lodging Facility** – is a building or portion thereof, intended as a temporary residence, that contains sleeping and sanitary facilities and may contain cooking facilities, whose use is paid by others for the profit of the owner, or authorized residential residential rental unit permit holder.

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- 4.6 Dwelling Unit** – a portion of a building used as a place of residence, containing sleeping, cooking and sanitary facilities, excluding commercial lodging facilities.
- 4.7 Habitable Space** – is space in a structure for living, sleeping, eating and/or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable space.
- 4.8 Landlord** – is the owner, lessor, sub-lessor or authorized agent of a residential rental unit, or any person authorized to exercise any management of a residential rental unit, including any person who is authorized to receive any rent or any part of the rent, other than as a bona fide purchaser, and who has no obligation to deliver any portion of that rent to another unless acting as a paid agent and so directed by the owner.
- 4.9 Lease** – a contractual agreement between a tenant and a, or authorized agent of an owner, to rent a dwelling unit in return for financial compensation to the owner for a designated amount; period of time and requirements. The words lease and rent and contractions of both words shall be used interchangeably and is meant to have the same meaning.
- 4.10 Lessee/Rentee** – additional terms for the tenant of a leased dwelling unit.
- 4.11 Lessor/Rentor** – additional terms for the owner or authorized agent of a dwelling unit.
- 4.12 Occupant** – the tenant with whom a lease agreement is in force with the owner of the dwelling unit.
- 4.13 Owner** – any person, agent, operator, firm or corporation having a legal or equitable interest in a property; or recorded in the official records of the State of Delaware, Kent County, or the Town of Cheswold, as holding title to a property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 4.14 Owner Occupied** – a dwelling unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the dwelling unit is located.
- 4.15 Person** – an individual, corporation, partnership, or any other group acting as an unit.
- 4.16 Permit** – the written document certified by the Town of Cheswold Public Works Department designated representative, that the holder is authorized to rent/lease a particular dwelling unit within the corporate limits of the Town of Cheswold.
- 4.17 Permittee** – the owner or authorized agent to whom a permit has been granted.
- 4.18 Permitter** – the designated representative of the Town of Cheswold Public Works Department or Town Administrator.

Section 4. DEFINITIONS

- 4.19 Premises** – a lot, plot, or parcel of land, including the buildings or structures thereon.
- 4.20 Public Works** – the department of the Town of Cheswold charged with administering the rules, regulations, processes and procedures associated with this Ordinance.
- 4.21 Registered Agent** – means the person or company that has properly registered as an Authorized Agent with the Town of Cheswold and has registered as such with the Town of Cheswold Building Inspector/Code Enforcement Officer. They will then be known as the Registered Agent. A Registered Agent must be available in the State of Delaware, or
- 4.21 Registered Agent**
within a fifty, (50), mile radius of the incorporated Town of Cheswold, on a twenty-four, (24) hour a day; seven days a week basis to accept service for any landlord of any inquiry, notice, complaint or violation regarding the condition of a residential rental unit
- 4.22 Registration Form, Rental Property** – an application, (PW 05-14-15-013), provided by the Town of Cheswold Public Works Department that must be completed for each rental unit that is subject to regulation pursuant to this Ordinance.
- 4.23 Rental Permit** – the written document certified by the Town of Cheswold Public Works Department designated representative, that the holder is authorized to rent/lease a particular dwelling unit within the corporate limits of the Town of Cheswold, also known as the License and/or the Business License.
- 4.24 Residential Rental Unit** – that portion of any house, dwelling unit, dwelling place, building or structure which is occupied, rented, or leased as the home or residence of one or more persons to the exclusions of all others, on a monthly or yearly basis and is not classified as a motel or a hotel.
- 4.25 Sub-Lessor** – a person, agent, corporation or entity given authority by the owner/lessor to perform the duties of such person, agent, corporation or owner.
- 4.26 Tenant** – a person, corporation, partnership or group, whether or not the legal owner of record, occupies a building or portion thereof as a unit.
- 4.27 Unit, Rental** – that portion of any house, dwelling unit, dwelling place, building or structure which is occupied, rented, or leased as the home or residence of one or more persons to the exclusions of all others, on a monthly or yearly basis and is not classified as a motel or a hotel.

Section 5. REQUIREMENTS

No person shall lease, rent, occupy, or otherwise allow a residential rental unit within the Town of Cheswold to be occupied, unless all of the following requirements have first been met.

- 5.1 The owner of the residential rental unit shall have first obtained a Residential Property Owner Business License, (PW 05-14-15-012), and shall have registered the residential rental unit with the Department of Public Works, completing and filing a current registration form, (PW 05-14-15-013), with the Department, as provided in Section 6 of this Ordinance.
- 5.2 All past due bills, fees, and assessments incurred at the property address owed to the Town, must be paid prior to a rental inspection being scheduled.
- 5.3 The issuance of a Residential Property Owner Business License will not be denied or delayed should the applicant be engaged in an appeal of any past due, bills, fees, or assessments.
- 5.4 Upon conclusion of the appeal process, if the applicant is found to continue to owe the Town of Cheswold, the previously issued Residential Property Owner Business License/Permit shall be revoked until such time as all past due, bills, fees, or assessments have been paid in full.
- 5.5 Land Use Ordinance administrative appeals or Board of Adjustment variances will not affect the application for or the issuance of a Residential Property Owner Business License/Permit.
- 5.6 After the receipt of a Business License to operate a residential rental property, the property is required to register all rental properties with the Department of Public Works. The form to be used for the registration is PW 05-14-15-013, Residential Rental Property Registration Form and is set forth in Section 9.
- 5.7 Prior to the rental of any residential unit, the property owner is responsible for completing and submitting a Tenant Registration Form to the Department of Public Works. Form PW 05-0-15-014 is to be used for this purpose and is set forth in Section 10.
- 5.8 The Rental Property Inspection Request and Checklist, (PW 05-04-15-015), and rental inspection shall have been completed and passed to the satisfaction of the Department of Public Works. The property owner is responsible for requesting and passing the inspection prior to tenant occupancy pursuant to and set forth in Section 12.
- 5.9 All property owners that own rental properties, located within the incorporated Town of Cheswold, must obtain and retain a Town of Cheswold Business License.
- 5.10 Any authorized agent that has been authorized to accept service for any residential rental units located within the incorporated Town of Cheswold is required to obtain and retain a Town of Cheswold Business License.

Section 5. REQUIREMENTS

5.11 Residential rental units must comply with and continue to comply with all Ordinances and Codes of The Town of Cheswold, including but not limited to: the Residential Rental Property Ordinance, the Property Maintenance Ordinance as adopted by the Town of Cheswold; The Delaware State Housing Code; Town of Cheswold Land Use Ordinance and all other applicable Codes of the Town of Cheswold.

5.12 A current rental operating permit must have been issued to the property owner/authorized agent/landlord for the specified residential rental dwelling unit for the current year.

Section 6. BUSINESS LICENSE APPLICATION

It shall be unlawful for any person to lease, rent, occupy, or otherwise allow a residential rental unit within the Town of Cheswold to be occupied without first obtaining a Business License to do so; designating an Authorized Agent, **(which may be the property owner)**; registering the residential property and associated dwelling units; registering tenants proposed to occupy the residential rental unit; paying all fees associated with the property, and having a Residential Property Inspection Request and Checklist on file, that has passed inspection.

6.1 Application Form. Application for a Business License, which shall serve as the Registration of an individual's desire to rent dwelling unit/s, shall be made upon Form PW 05-14-15-012, furnished by the Department of Public Works and shall require all of the following information:

- 6.1.1.** The name of Property Owner; and
- 6.1.2.** Mailing/Home address
- 6.1.3.** Business name
- 6.1.4.** Business address
- 6.1.5.** Town of Cheswold Business License # *(will be supplied by Town employee)*
- 6.1.6.** Date of birth
- 6.1.7.** Business Telephone number
- 6.1.8.** Mobile telephone number
- 6.1.9** Facsimile number of all property owners of the residential rental unit(s)
- 6.1.10** 24 hr. accessible telephone number
- 6.1.11** Signature of Owner
- 6.1.12** Date

NOTE: If there are other property owner's, the same information, requested above must be supplied.

6.2 If there is an Authorized Agent/Landlord for the property, the information required in Section 6.1, must also be supplied to the Department of Public Works for said Agent/Landlord.

6.3 If there is an Individual that is authorized to make repairs to the property, without contacting the property owner or the agent/landlord, the information required for the property owner must also be supplied for this individual.

Section 6. BUSINESS LICENSE APPLICATION

6.4 The owner of any residential rental unit/s located within the corporate limits of the Town of Cheswold must supply a list of addresses for all those rental units to the Department of Public Works.

6.5 It shall be unlawful for any person to operate any rental dwelling without obtaining a Business License from the Department of Public Works in order to determine compliance.

6.6 The fee for the annual Business License shall be \$100.00 per year, renewed annually – residential and \$200.00 per year, renewed annually - commercial.

6.7 The Business License shall expire annually on December 31.

6.8 Any Business License that is not renewed within thirty, (30), calendar days after the expiration date, and the holder continues to operate a dwelling unit within the corporate limits of the Town of Cheswold a fine shall be assessed for a minimum of \$50.00 per unit per day– residential and \$100.00 per unit per day– commercial dwelling units, until such time as the license is renewed or the holder ceases to operate **the** dwelling unit.

6.9 If the renewal is not complete, within, sixty, (60), calendar days of the original expiration date, an additional fine of \$100.00 per day per unit – residential and \$200.00 per unit per day – commercial dwelling units, shall be assessed, beginning on day sixty one, (61), until such time as the license is renewed or the holder ceases to operate the dwelling unit. Violator/s may also be imprisoned as deemed necessary by a majority vote of the Town Council for a period not to exceed thirty, (30) days.

6.10 An owner whose Business License has been suspended shall pay a re-instatement fee of \$150.00 – residential and \$250.00 – commercial dwelling units.

6.11 At any time that the Town of Cheswold engages in providing utility type services, the owner or occupant of any residential rental unit shall not be entitled to receive such utility services, until the Business License fee and/or associated fines have been paid in full and the Town shall refuse to provide such services to the property until satisfactory proof is furnished that such fee has been paid.

6.12 The completed form must be accompanied by a check, money order, or valid credit card payable to the Town of Cheswold in the amount specified on the form and set and approved by the Town Council. *(See Section 15 – Fees and Fines)*

Section 7. BUSINESS LICENSE SUSPENSION and/or REVOCATION

7.1 **Suspension** – the Department of Public Works shall suspend the Business License issued or withhold the paid for permit, pursuant to this Ordinance, when it is determined that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this Ordinance or any rule or regulation pursuant thereto.

Section 7. BUSINESS LICENSE SUSPENSION and/or REVOCATION

7.2 Said suspension shall remain in effect until such time as the property remedies the violations cited by the Department of Public Works.

7.3 The Business License shall not be renewed until such time as the cited violation and/or violations are remedied.

7.4 **Revocation** – The Business License of a property owner associated with violations that have not been remedied within six, (6), months of receipt of notice of such violations and has had a License suspension shall have their License permanently revoked.

7.5 **Appeal.** Any owner or Authorized Agent of any residential rental dwelling, whose License/Permit to operate the structure is suspended or revoked by the Department of Public Works representative, pursuant to this Section, shall have the right to appeal and notice as provided in Section 19.

7.6 **Effect of Appeal.** Upon suspension or revocation of a Business License/Rental Permit, or withholding of the same as ordered by the Department of Public Works and upon the property owner or legal representative serving the Town Clerk with a notice of appeal, pursuant to Section 19, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

7.7 The remedies contained within this section shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained with this section precludes the pursuit of any and all other remedies, and the same are intended to be cumulative.

Section 8. AUTHORIZED AGENT

The Authorized Agent, shall be charged by the registered property owner, with the responsibility and authority to deal with the tenants and occupants of the dwelling unit/s, on behalf of the owner, to authorize and make repairs to the dwelling unit/s; to maintain the premises and the common area thereof, and to accept service of process, on behalf of the owner. The designated Authorized Agent shall be responsible for all of the following:

8.1 Operating the registered residential rental unit in compliance with all applicable Town of Cheswold Ordinances and codes; and State codes;

8.2 Providing access to the residential rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Town of Cheswold Ordinances and codes; and State codes;

8.3 Maintaining a list of the names and number of occupants of each residential rental unit for which he or she is responsible;

Section 8. AUTHORIZED AGENT

8.4 Accepting all legal notices or services of process with respect to the residential rental unit/s;

8.5 The Authorized Agent may be the property owner if the property owner resides within fifty, (50), miles of the Town of Cheswold.

8.6 The Authorized Agent must be an adult person/s, 18 years old or older, specifically identified, by the property owner, as the Authorized Agent on the Business License application and certified by the signature of the Agent on the Business License.

8.7 The Authorized Agent must reside in such proximity to the Town of Cheswold as to allow him or her to meet with the Department of Public Works representative at the rental unit within forty-eight, (48), hours of receipt of notice from the Department of Public Works.

8.8 A management company, corporation, LLC and/or partnership may be the Authorized Agent, however, the entity must assign a contact person and provide the information required for a Landlord on the Business License application.

8.9 Once notified of a defective condition or violation of any type and/or kind, the Authorized Agent will be given a written notice of the time allocated to remedy the situation or condition/s as deemed reasonable by the Department of Public Works representative.

8.10 It is the responsibility of the property owner to notify the Department of Public Works, in writing, of any change in the contact information for the Authorized Agent within thirty, (30), days of such change.

8.11 A Business License shall not be issued to any person or business unless all taxes, assessments, utility bills associated with services provided by the Town of Cheswold, and any other fines or fees owed to the Town of Cheswold have been paid in full.

8.12 The property owner and/or Authorized Agent is subject to the fees and fines specified in Section 15.

Section 9. RESIDENTIAL RENTAL PROPERTY - REGISTRATION

9.1 All residential rental properties must be registered with the Department of Public Works, prior to the rental/lease of any dwelling unit within the corporate limits of the Town of Cheswold.

9.2 A Residential Rental Property Registration Form, (PW 05-14-15-013), must be submitted to the Department of Public Works for each dwelling unit to be leased or rented.

Section 9. RESIDENTIAL RENTAL PROPERTY - REGISTRATION

- 9.3 Registration of a residential unit shall be effective for three, (3), years, unless there is a change of tenant.
- 9.4 A change in tenant requires that the residential rental unit be re-inspected prior to the rental of a subsequent tenant.
- 9.5 The number and classification of the rental property must also be supplied.
- 9.6 Registrations shall expire three (3) years from the date of approval of application.
- 9.7 The property owner shall re-register each residential rental unit with the Department of Public Works, thirty (30) calendar days prior to the expiration of the registration of the rental unit.
- 9.8 If within those three (3) years any changes to the building, occupancy use, or ownership the property must be re-registered, and re-inspected at that time.
- 9.9 If an owner does not comply with this section, Administrative fines will be followed in accordance with the Fees and Fines Schedule. *(See Section 15)*
- 9.10 There will be no charge or cost for re-inspections occurring during the three, (3), year, rental registration period related to tenant occupancy changes.
- 9.11 The fee for registering a residential rental unit shall be \$ 50.00 per year, per unit – residential and \$100.00 per year, per unit – commercial dwelling unit/s, until such time as it may be revised by a majority vote of the Town Council.
- 9.12 If the residential property owner does not comply with this section, Administrative fees and fines will be followed and applied in accordance with Section 15.

Section 10. RESIDENTIAL RENTAL PROPERTY – TENANT REGISTRATION

All residential property owners shall be required to obtain and complete a tenant registration form and provide a copy of the lease/rental agreement of prospective tenant/s. The property owner must also sign the registration form certifying that all information submitted is accurate. The following guidelines shall apply to tenant registration and information provided:

10.1 **Tenant Registration Form**, PW 05-04-15-013, must be completed and submitted to the Department of Public Works, within fifteen, (15), days of the rental of the unit.

10.2 Property Information

10.2.a Property Address

10.2.b Rental/Business License # and Date of Expiration

Section 10. RESIDENTIAL RENTAL PROPERTY – TENANT REGISTRATION

10.2.c Rental Occupancy Date; and whether lease/rental agreement is yearly or monthly

10.2.d Total number of Bedrooms; Bathrooms and Square Footage

10.3 Tenant Information

10.3.a Name and phone number of Primary Tenant

10.3.b Additional phone and contact information: Mobile; Fax and E-mail address

10.3.c Names of additional occupants of residential rental unit

10.3.d Total # of Occupants; Total # of Adults; Total # of Children

10.4 Vehicle Information

10.4.a Make: Model and Year

10.4.b Color

10.4.c License Plate #

10.4.d Registration #

10.5 Additional Requirements

10.5.a Copy of lease or rental agreement

10.5.b Proof that Owner provided tenant with Summary Document of Delaware Tenant Code

10.5.c Proof that a Pest Inspection has been performed within fifteen, (15), days of occupancy

10.5.d Copy of Criminal Activity Lease Addendum signed by property owner and Tenant *(See Section 10)*

10.6. If the residential property owner does not comply with this section, Administrative fees and fines will be followed and applied in accordance with Section 15.

Section 11. RESIDENTIAL RENTAL PROPERTY INSPECTION and CHECKLIST

Prior to the tenant occupancy and following the issuance of a residential rental property Business License/Permit and property registration, the property owner is required to submit the residential rental property to an inspection. See Ordinance 05-04-15-011 for guidelines and requirements.

Section 12. CHANGE in REGISTRATION or TRANSFER of PROPERTY

12.1 Except for a change in the registered authorized agent, the property owner of a residential rental unit registered with the Town shall re-register within thirty, (30), calendar days after any change occurs in the registration information.

12.2 If the property is transferred to a new owner, the new property owner of a registered residential rental unit shall re-register the residential rental unit within thirty (30) calendar days following the transfer of the property.

12.3 The new property owner must obtain a Business License/Permit to operate a residential rental unit in his or her own name, within thirty, (3), calendar days following the transfer of the property.

12.4 Property owners shall notify the Department of Public Works of any change in the designation of the registered authorized agent, including a change in name, address, telephone number, mobile telephone number or facsimile number of the designated registered authorized agent within five (5) business days of the change.

12.5 If a transfer of ownership occurs and there is a current passed Property Inspection Request and Checklist on file, and there have been no change of tenants or alterations to the property then the new owner will only be required to fill out a new registration form and pay any fees or assessments that are owed to the Town, and /or registration fee if required.

12.6. If the residential property owner does not comply with this section, Administrative Fees and Fines will be followed and applied in accordance with Section 15.

Section 13. ACCURATE and COMPLETE INFORMATION

13.1 All information provided on all license and registration forms shall be accurate and complete.

13.2 No person shall provide inaccurate information for the registration of a residential rental unit, or fail to provide the information required for such registration.

13.3 The Business License Application form shall be signed by all property owner(s) and the designated Authorized Agent, as well as the individual authorized to make repairs, if applicable.

13.4 Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization.

13.5 Where more than one person has an ownership interest, the required information shall be provided for each such owner.

Section 14. FEES and FINES

The Town Council of the Town of Cheswold has created the fees and fines associated with residential rental properties, by this Ordinance and displayed on Form PW 05-04-15-016.

14.1 The Town Council of the Town of Cheswold has and maintains the right to alter, revise, adjust, change, add or delete any of the associated fees and fines, from time to time.

14.2 The administration of fees and fines will be provided by the Public Works Department, and Town Clerk, under the direction of the Land Use Administrator.

14.3 Lien – in the event that the property owner fails to pay said fees and/or fines within thirty, (30), days from the date a notice thereof is mailed to the owner, (*by certified US mail*), then such fees and fines shall be entered into the municipal lien docket, as a lien owed the Town of Cheswold, and the same may be forwarded to the Town Attorney for collection.

Section 15. MAINTENANCE of RECORDS

All records, files and documents pertaining to the Rental Registration, Permitting and Dwelling Unit Inspection Program shall be maintained by the Department of Public Works and made available to the public as required by State Law.

Section 16. ADMINISTRATIVE FINES

Notwithstanding any other section of this Ordinance, any person who is found to have violated any provision of this Ordinance or directive of the Town of Cheswold Department of Public Works will be assessed administrative fines in the following amounts:

16.1. Failure to properly register residential rental unit with the Town of Cheswold Department of Public Works:

16.1.1 First Violation: The total amount of the fine shall be \$150, regardless of the number of residential rental units that have not been properly registered.

16.1.1.a Failure to register residential rental unit(s) within ten (10) days of receiving the \$150 fine shall result in a \$10-per-day fine for each unit(s) thereafter not properly registered.

16.1.1.b The per-unit fine shall accumulate on a daily basis until such fine is paid.

16.2 Subsequent Violation/s: Any time after a property owner/authorized agent is subject to the "First Violation" provisions stated in section 17.1.1. above, failure to properly register, or re-register a residential rental unit shall be subject to a \$150 fine.

16.1.2.a Failure to register, or re-register, residential rental unit(s) within ten, (10), days of receiving the \$150 fine shall result in a \$10-perday fine for each unit thereafter not properly registered.

16.1.2.b The per-unit fine shall accumulate on a daily basis until such fine is paid.

16.2. Failure to timely update information required on the rental property registration form:

16.2.1 First violation: The total amount of the fine shall be \$150 regardless of the number of residential rental units that have not been properly updated.

16.2.1.a Failure to update registration of residential rental unit(s) within ten, (10), days of receiving the \$150 fine shall result in a \$10 per-day fine for each unit/s thereafter not properly updated.

16.2.1.b The per-unit fine shall accumulate on a daily basis until such fine is paid.

16.2.2 Subsequent Violation/s: Any time after a property owner/ authorized agent is subject to the "First Violation" provisions stated in section 17.2.1, above, failure to properly update a residential rental unit(s) shall be subject to a \$150 fine.

16.2.2.a Failure to update registration on a residential rental unit(s) within ten, (10), days of receiving the \$150 fine shall result in a \$10-per-day fine for each unit thereafter not properly updated.

16.2.2.b The per-unit fine shall accumulate on a daily basis until such fine is paid.

Section 17. SEVERABILITY and CAPTIONS

This Ordinance and the various parts, sections, phrases and clauses thereof are hereby declared to be severable.

If any part, section, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

The Captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 18. APPEALS

18.1 Any person aggrieved by any decision of the Town of Cheswold Department of Public Works has the right to appeal to the Town Council of the Town of Cheswold, by filing a written appeal with the Town Council within thirty (30) days following the effective date of the action or complaint decision.

18.2 The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid the order.

18.3 The Town Council shall fix a time and a place for hearing the appeal and shall serve written notice upon the person requesting the appeal informing them of the hearing.

18.4 The findings of the Town Council shall be final and conclusive and a written report of their findings shall be served upon the person who requested the appeal.

Section 19. REPEAL

All Resolutions, Ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 20. ADMINISTRATIVE LIABILITY

No official, inspector, agent, employee or member of the Town of Cheswold shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

SECTION 21 - Effective Date

This Ordinance shall become effective immediately upon passage by the Council of the Town of Cheswold.

PASSAGE of ORDINANCE

Whereas, the Town Council of the Town of Cheswold, properly posted and held a Public Hearing on Monday, August 6, 2018, at 6:00 p.m., in the Cheswold Fire Hall, at 371 Main Street, Cheswold, DE 19936, to receive public comment on this Ordinance; and

Whereas, there was not any negative or adverse public comments made against the said Ordinance, at the above mentioned Public Hearing; and

Whereas, the Town Council at their regularly scheduled Town Council meeting, on Monday, August 6, 2018, held at 6:30 p.m., in the Cheswold Fire Hall, at 371 Main Street, Cheswold, DE 19936, voted unanimously to approve this Ordinance; and

Date: May 4, 2015

Now Therefore Be It Resolved, that the Town Council of the Town of Cheswold hereby authorizes the immediate implementation of this Ordinance # 05-04-15-009.

I, **Robert W. Sine, Mayor of the Town of Cheswold**, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by an affirmative majority vote of Town Council members of the Town of Cheswold, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: *Robert W. Sine*
Mayor Robert W. Sine

Date: August 6, 2018

ATTEST: *Theon E. Callender*
Secretary/Treasurer Theon E. Callender

Date: August 6, 2018

Agreed: *J. Kirby*
Vice-Mayor Larence Kirby

Date: August 6, 2018

Agreed: *Judith Johnson*
Councilperson Judith Johnson

Date: August 6, 2018

Agreed: *Santo Faronea*
Councilperson Santo Faronea

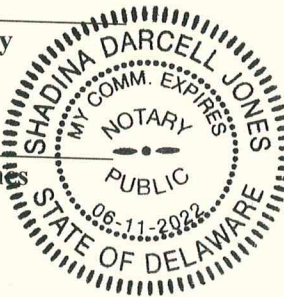
Date: August 6, 2018

Agreed: *Mark Moxley*
Councilperson Mark Moxley

Date: August 6, 2018

NOTARIZED: *Shadina Jones*
Town Clerk Shadina Jones

Date: August 6, 2018



Sponsored by: Former Mayor George Pugh
Co-Sponsor: Vice-Mayor Bob Sine
Co-Sponsor: Secretary/Treasurer Theon Callender

PASSAGE of ORDINANCE

READINGS; REVIEWS; REVISIONS:

1 st Reading:	May 4, 2015
	Revised: June 5, 2015
2 nd Reading:	May 18, 2015
	Revised: June 9, 2015
Attorney Review	June 11, 2015
3 rd Reading:	June 17, 2015
	Revised: August 20 2015
4 th Reading:	August 25, 2015
Attorney Review:	Oral: December 9, 2015
Attorney Review:	E-Mail; December 14, 2015
	Revised: February 23, 2016
	Sections 6.6; 6.8; 6.9; 6.10, 6.11
5 th Reading: Monday, April 11, 2016	Revised: August 21, 2016
Attorney Review	Oral: May 15, 2018
6 th Reading – Removed Criminal Activity	Revised: June 4, 2018
7 th Reading	July 2, 2018